


NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR  
DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

MICHAEL L. TRACY, ESQ.  
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FILED  
2008 MAY -2 AM 10:02  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY 

ATTORNEYS FOR: PLAINTIFFS

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DAVID ZAITEFF et al.

CASE NUMBER

Plaintiff(s),

**CV 08-02874 MRP (JWJx)**

v.

PEREGRINE FINANCIAL GROUP et al.

Defendant(s)

**CERTIFICATION AND NOTICE  
OF INTERESTED PARTIES  
(Local Rule 7.1-1)**

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for PLAINTIFFS  
(or party appearing in pro per), certifies that the following listed party (or parties) has (have) a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

**PARTY**

**CONNECTION**

(List the names of all such parties and identify their connection and interest.)

DAVID ZAITZEFF  
PEREGRINE FINANCIAL GROUP  
JOSEPH PETER SLAGA

PLAINTIFF  
DEFENDANT  
DEFENDANT

4/29/08

Date

Sign 

PLAINTIFFS

Attorney of record for or party appearing in pro per

MICHAEL L. TRACY, ESQ.  
2030 MAIN STREET, SUITE 1300  
IRVINE, CA 92614

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAVID ZAITZEFF (see attached)

PLAINTIFF(S)

v.

PEREGRINE FINANCIAL GROUP (see attached)

DEFENDANT(S).

CASE NUMBER

CV 08-02874

MRP

(JWJx)

SUMMONS

TO: DEFENDANT(S): PEREGRINE FINANCIAL GROUP

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, MICHAEL TRACY, whose address is 2030 MAIN STREET, SUITE 1300, IRVINE, CA 92614. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court,

Dated: MAY - 2 2008

By: 

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

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9 Attorneys for Plaintiff DAVID ZAITZEFF

10  
11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**  
13

14 DAVID ZAITZEFF, an individual, on behalf  
15 of himself and on behalf of The State of  
16 California Labor and Workforce  
17 Development Agency as a Private Attorney  
18 General

19 Plaintiff,

20 vs.

21 PEREGRINE FINANCIAL GROUP, INC.,  
22 AN IOWA CORPORATION; JOSEPH  
23 PETER SLAGA, AN INDIVIDUAL; and  
24 DOES 1 through 10, inclusive,

25 Defendants.  
26  
27  
28

MICHAEL L. TRACY, ESQ.  
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IRVINE, CA 92614

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAVID ZAITZEFF (see attached)

PLAINTIFF(S)

v.

PEREGRINE FINANCIAL GROUP (see attached)

DEFENDANT(S).

CASE NUMBER

CV 08-02874 MRP (JWJx)

SUMMONS

TO: DEFENDANT(S): JOSEPH PETER SLAGA

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, MICHAEL TRACY, whose address is 2030 MAIN STREET, SUITE 1300, IRVINE, CA 92614. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

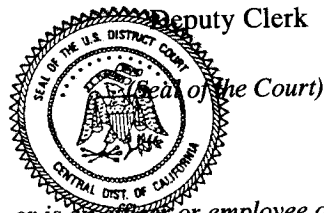
**MAY - 2 2008**

Dated: \_\_\_\_\_

**LA'REE HORN**

By: \_\_\_\_\_

Deputy Clerk



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1192

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9 Attorneys for Plaintiff DAVID ZAITZEFF

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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**  
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14 DAVID ZAITZEFF, an individual, on behalf  
15 of himself and on behalf of The State of  
16 California Labor and Workforce  
17 Development Agency as a Private Attorney  
18 General

19 Plaintiff,

20 vs.

21 PEREGRINE FINANCIAL GROUP, INC.,  
22 AN IOWA CORPORATION; JOSEPH  
23 PETER SLAGA, AN INDIVIDUAL; and  
24 DOES 1 through 10, inclusive,

25 Defendants.  
26  
27  
28

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Attorneys for Plaintiff DAVID ZAITZEFF

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

CV 08-02874 MRP (JWJx)

DAVID ZAITZEFF, an individual, on behalf  
of himself and on behalf of The State of  
California Labor and Workforce  
Development Agency as a Private Attorney  
General

Plaintiff,

vs.

PEREGRINE FINANCIAL GROUP, INC.,  
AN IOWA CORPORATION; JOSEPH  
PETER SLAGA, AN INDIVIDUAL; and  
DOES 1 through 10, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR UNPAID  
OVERTIME UNDER CALIFORNIA  
LABOR CODE, MEAL BREAKS,  
IMPROPER PAY STUBS, WAITING  
TIME PENALTIES, OVERTIME  
UNDER THE FLSA, FAILURE TO  
PRODUCE RECORDS, MINIMUM  
WAGE VIOLATIONS, FAILURE TO  
INDEMNIFY, AND UNFAIR BUSINESS  
PRACTICES**

**PRIVATE ATTORNEY GENERAL  
CLAIMS FOR UNPAID OVERTIME,  
MISSED MEAL BREAKS, IMPROPER  
PAY STUBS, OUT OF STATE CHECKS,  
MINIMUM WAGE, AND IMPROPER  
RECORD KEEPING**

**DEMAND FOR JURY TRIAL**

Plaintiff, DAVID ZAITZEFF, alleges:

**JURISDICTION**

1. This Court has jurisdiction over this matter because this complaint alleges a federal question in that violations of 29 U.S.C. §201 et seq. are alleged. This court has

1 supplemental jurisdiction over the other causes of action under 28 U.S.C. § 1367 because  
2 all causes of action relate to the same transactions and occurrences that make up the claim  
3 under the Fair Labor Standards Act.

#### 4 GENERAL ALLEGATIONS

5 2. This Court is the proper court and this action is properly filed in the County  
6 of Ventura and in this judicial district because Defendants do business in the County of  
7 Ventura, and because Defendants' obligations and liabilities arise therein, and because the  
8 work that was performed by Plaintiff in the County of Ventura is the subject of this action.

9 3. This complaint contains causes of action brought pursuant to Labor Code §  
10 2698, et seq which allows Plaintiff to sue on behalf of the State of California Labor and  
11 Workforce Development Agency ("LWDA") as a Private Attorney General. Pursuant to  
12 Labor Code §2699(i), 75% of any penalties recovered under this third type of action will be  
13 paid to the LWDA, with the Plaintiff receiving the remaining 25%.

14 4. Private Attorney General Act causes of action do not require class  
15 certification.

16 5. The true names and capacities of DOES 1 through 10 are unknown to  
17 Plaintiff, who therefore sues the DOE Defendants by fictitious names. Plaintiff will amend  
18 this Complaint to show their true names and capacities when they have been ascertained.  
19 Plaintiff is informed and believes, and hereon alleges, that some such Doe defendants are  
20 residents of California.

21 6. Plaintiff is informed and believes that Defendants, each and all of them, at all  
22 times material hereto, were the joint employers, parent companies, successor companies,  
23 predecessors in interest, affiliates, agents, employees, servants, joint venturers, directors,  
24 fiduciaries, representatives, and/or coconspirators of each of the remaining Defendants.  
25 The Defendants, unless otherwise alleged, at all times material hereto, performed all acts  
26 and omissions alleged herein within the course and scope of said relationship, and are a  
27 proximate cause of Plaintiff's damages as herein alleged.

28

**PARTIES**

7. Plaintiff DAVID ZAITZEFF ("ZAITZEFF") was jointly employed by Defendants from August 2, 2006 through March 8, 2008.

8. Defendant PEREGRINE FINANCIAL GROUP, INC. ("PFG") is an Iowa corporation doing business in the County of Ventura, State of California.

9. Defendant JOSEPH PETER SLAGA ("SLAGA") is an individual doing business in the County of Ventura, State of California.

**PRIVATE ATTORNEY GENERAL ALLEGATIONS**

10. Pursuant to Cal. Labor Code §2698, et seq., the Private Attorney General Act ("PAGA") of 2004, Plaintiff is entitled to recover civil penalties on behalf of himself and other current or former employees provided the notice and other procedures prescribed by the statute are followed.

11. Plaintiff is pursuing civil penalties for violations of Cal. Labor Code Sections 226, subdivision (a), 510, 226.7, 1198, and 212. These sections are all listed in Cal. Labor Code §2699.5. As such, the procedures for this action are specified in Cal. Labor Code §2699.3(a).

12. Plaintiff is an aggrieved employee of some of these labor violations as set out in this complaint. He brings the PAGA causes of action for violations against all AGGRIEVED EMPLOYEES, as defined below.

13. Plaintiff's attorney gave written notice by certified mail to the Labor and Workforce Development Agency ("LWDA") and Defendants stating the above mentioned code violations with facts to support each allegation. The certified mail was postmarked April 1, 2008. A copy of this notification is attached as Exhibit A.

14. The LWDA notified Plaintiff by certified mail in a letter dated April 23, 2008 that they do not intend to investigate the allegations. As such, Plaintiff may commence a civil action pursuant to Cal. Labor Code §2699.

15. Cal. Labor Code §2699(i) requires that any civil penalties be split with 75% paid to the LWDA and 25% paid to Plaintiff.



1 16. The PAGA causes of action are brought for labor violations committed on the  
2 following group of AGGRIEVED EMPLOYEES: All brokers and/or salespersons of  
3 commodities or futures contracts working within the State of California

4 **FIRST CAUSE OF ACTION**

5 **FAILURE TO PAY MINIMUM WAGE IN VIOLATION OF**  
6 **CALIFORNIA LABOR CODE**  
7 **(AGAINST PFG and DOES 1-5)**

8 17. Plaintiff refers to and incorporates by reference Paragraphs 1 through 16.

9 18. This cause of action is brought against PFG and DOES 1-5, jointly and  
10 individually.

11 19. Pursuant to Cal. Labor Code §1197, payment of less than the minimum wage  
12 fixed by the Labor Commission is unlawful.

13 20. While employed by Defendants, Plaintiff was not paid at least the minimum  
14 wage for all hours worked.

15 21. Plaintiff was not paid the proper minimum wage by Defendants for at least  
16 one pay period within the three (3) years prior to initiating this lawsuit.

17 22. Defendants know or should know the pay periods in which minimum wage  
18 was not paid as well as the amount of underpaid wages.

19 23. Under California Labor Code, Plaintiff is to recover the minimum wage for  
20 all hours worked.

21 24. As a proximate result of the aforementioned violations, Plaintiff has been  
22 damaged in an amount in excess of \$25,029, and subject to proof at time of trial.

23 25. Pursuant to Labor Code §§218.5, 218.6, 1194, and California Code of  
24 Regulations, Title 8, §11040, Plaintiff is entitled to recover damages for the nonpayment of  
25 the minimum wage for all hours worked, interest, reasonable attorney's fees and costs of  
26 suit.

27 26. Pursuant to Labor Code §1194.2, Plaintiff is entitled to recover an additional  
28 amount equal to the unlawfully unpaid wages as liquidated damages. As such, Plaintiff

1 prays for an additional amount of \$25,029.

2 **SECOND CAUSE OF ACTION**

3 **FAILURE TO PAY OVERTIME COMPENSATION UNDER**

4 **CALIFORNIA INDUSTRIAL WELFARE COMMISSION**

5 **ORDERS AND CALIFORNIA LABOR CODE**

6 **(AGAINST PFG and DOES 1-5)**

7 27. Plaintiff refers to and incorporates by reference Paragraphs 1 through 26. 27

8 28. This cause of action is brought against PFG and DOES 1-5, jointly and  
9 individually.

10 29. Pursuant to Industrial Welfare Commission Order No. 4-2001, California  
11 Code of Regulations, Title 8, §11040, for the period of Plaintiff's employment, Defendants  
12 were required to compensate Plaintiff for all overtime, which is calculated at one and one-  
13 half (1 ½) times the regular rate of pay for hours worked in excess of eight (8) in a day or  
14 forty (40) hours in a week, and two (2) times the regular rate of pay for hours worked in  
15 excess of twelve (12) hours in a day of hours worked in excess of eight (8) on the seventh  
16 consecutive work day in a week.

17 30. Plaintiff ZAITZEFF worked more than eight (8) hours in a single workday or  
18 forty (40) hours in a single workweek on numerous occasions.

19 31. Plaintiff ZAITZEFF was entitled to the above overtime premiums.

20 32. Defendants did not pay Plaintiff premium wages of at least one and one-half  
21 times Plaintiff's regular rate of pay for hours worked past eight (8) in a day.

22 33. Defendants did not pay Plaintiff premium wages of at least one and one-half  
23 times Plaintiff's regular rate of pay for hours worked past forty (40) in a week.

24 34. Defendants did not pay Plaintiff premium wages of at least two times  
25 Plaintiff's regular rate of pay for hours worked past twelve (12) in a day.

26 35. Plaintiff ZAITZEFF worked at least one pay period in which he was not  
27 properly paid overtime within the three (3) years prior to the initiation of this lawsuit.

28 36. Defendants know or should know the actual dates of overtime worked, the

1 amount of overtime worked, and the amount of unpaid overtime due.

2 37. As a proximate result of Defendants' violations, Plaintiff ZAITZEFF has  
3 been damaged in an amount in excess of \$9,387 and subject to proof at time of trial.

4 38. Pursuant to Labor Code §§218.5, 218.6, 510, 1194 and California Code of  
5 Regulations, Title 8, §11040, Plaintiff ZAITZEFF is entitled to recover damages for the  
6 nonpayment of overtime premiums for all overtime hours worked, penalties, interest, plus  
7 reasonable attorney's fees and costs of suit.

8 **THIRD CAUSE OF ACTION**

9 **FAILURE TO PROVIDE ADEQUATE MEAL PERIODS UNDER**  
10 **CALIFORNIA INDUSTRIAL WELFARE COMMISSION ORDERS**

11 **AND CALIFORNIA LABOR CODE SECTION 512**

12 **(AGAINST PFG and DOES 1-5)**

13 39. Plaintiff refers to and incorporates by reference Paragraphs 1 through 38.

14 40. This cause of action is brought against PFG and DOES 1-5, jointly and  
15 individually.

16 41. Pursuant to Industrial Welfare Commission Order No. 4-2001, California  
17 Code of Regulations, Title 8, §11040, for the period of Plaintiff's employment, Defendants  
18 were required to provide a thirty (30) minute meal period for any person working more than  
19 five (5) hours in a day.

20 42. Defendants failed to provide Plaintiff a meal period for numerous days  
21 worked.

22 43. Defendants know or should know the dates for each missed meal period as  
23 well as the damages due.

24 44. Defendants failed to provide Plaintiff at least one meal period within the three  
25 (3) years prior to filing this lawsuit.

26 45. Pursuant to Labor Code §512 and California Code of Regulations, Title 8,  
27 §11040, Plaintiff ZAITZEFF is entitled to recover one (1) hour of pay at the regular rate of  
28 compensation for each workday that the meal period was not provided.

1 46. Plaintiff ZAITZEFF prays for damages for missed meals in an amount subject  
2 to proof at time of trial.

3 **FOURTH CAUSE OF ACTION**

4 **FAILURE TO ITEMIZE WAGE STATEMENTS AS REQUIRED**

5 **UNDER LABOR CODE SECTION 226**

6 **(AGAINST PFG and DOES 1-5)**

7 47. Plaintiff refers to and incorporates by reference Paragraphs 1 through 46.

8 48. This cause of action is brought against PFG and DOES 1-5, jointly and  
9 individually.

10 49. Pursuant to Labor Code §226, every employer must furnish each employee an  
11 itemized statement of wages and deductions at the time of payment of wages.

12 50. Defendants knowingly and intentionally furnished Plaintiff pay stubs that did  
13 not accurately reflect all the information required by Labor Code § 226.

14 51. Plaintiff suffered injury from the lack of proper information on the pay stubs  
15 provided by Defendants.

16 52. Plaintiff suffered injury under this cause of action within a period of one (1)  
17 year prior to the initiation of this lawsuit.

18 53. Pursuant to Labor Code §226(e) and (g), Plaintiff prays for judgment against  
19 Defendants in an amount subject to proof at trial plus costs and attorney fees.

20 **FIFTH CAUSE OF ACTION**

21 **WAITING TIME PENALTIES UNDER LABOR CODE SECTION 203**

22 **(AGAINST PFG and DOES 1-5)**

23 54. Plaintiff refers to and incorporates by reference Paragraphs 1 through 53.

24 55. This cause of action is brought against PFG and DOES 1-5, jointly and  
25 individually.

26 56. Plaintiff's employment with Defendants was terminated on March 8, 2008.

27 57. Defendants willfully refused and continues to refuse to pay Plaintiff  
28 ZAITZEFF unpaid wages as required by Labor Code §203. Defendants know that the pay

1 is due and are refusing to pay it.

2 58. Plaintiff ZAITZEFF requests damages and penalties as provided by Labor  
3 Code §203 in the amount of \$1,800, and subject to proof at time of trial.

4 **SIXTH CAUSE OF ACTION**

5 **OVERTIME PAY AND LIQUIDATED DAMAGES UNDER 29 U.S.C. §207 and §216**  
6 **(AGAINST ALL DEFENDANTS)**

7 59. Plaintiff refers to and incorporates by reference Paragraphs 1 through 58.

8 60. This cause of action is against all Defendants, jointly and individually.

9 61. Plaintiff is informed and believes and hereon alleges that Defendants are  
10 subject to the provisions of the Fair Labor Standards Act. Under 29 U.S.C. §207(a) and  
11 §216(b), Plaintiff is entitled to overtime pay at a rate of one and one-half (1 ½) times the  
12 regular rate of pay for hours worked in excess of forty (40) hours in a week and an equal  
13 additional amount as liquidated damages, as well as costs and attorney's fees.

14 62. Plaintiff worked numerous weeks in excess of forty (40) hours.

15 63. Plaintiff was entitled to the above overtime premiums.

16 64. Defendants failed to compensate Plaintiff for any overtime premiums.

17 65. This court has jurisdiction over this cause of action because the federal statute  
18 specifically grants the employee the right to bring the action in "any Federal or State court  
19 of competent jurisdiction." 29 U.S.C. §216(b).

20 66. Plaintiff worked at least one week in which overtime premiums were not paid  
21 by Defendants under the Fair Labor Standards Act within the two (2) years prior to  
22 initiating this lawsuit.

23 67. Plaintiff's individual employment is covered by the terms of the Fair Labor  
24 Standards Act.

25 68. Defendant PFG was the employer of Plaintiff, as the term "employer" is  
26 defined in the Fair Labor Standards Act.

27 69. Defendant PFG was an enterprise covered by the provisions of the Fair Labor  
28 Standards Act for the entire time of Plaintiff's employment.

1 70. Defendant PFG conducted business with a total gross sales volume in excess  
2 of \$500,000 for each and every twelve (12) month period in which Plaintiff was employed.

3 71. Defendant PFG employed at least two (2) employees during each and every  
4 12 month period in which Plaintiff was employed.

5 72. Defendant SLAGA was the employer of Plaintiff, as the term "employer" is  
6 defined in the Fair Labor Standards Act. SLAGA was a corporate officer and/or agent of  
7 PFG. SLAGA acted both directly and indirectly in the interest of PFG, as it related to  
8 Plaintiff's employment and payment of wages.

9 73. DOES 1-10 were the employer of Plaintiff, as the term "employer" is defined  
10 in the Fair Labor Standards Act.

11 74. Defendants' violations of 29 U.S.C. §207 were willful and intentional.

12 75. Plaintiff prays for judgment for overtime pay of \$9,387. This amount is  
13 subsumed by the overtime pay claimed in the First Cause of Action.

14 76. Plaintiff prays for judgment for liquidated damages in the amount of \$9,387.  
15 This amount is supplemental to the relief requested in all other causes of action.

16 77. Plaintiff prays for costs and attorney's fees.

17 **SEVENTH CAUSE OF ACTION**

18 **FAILURE TO PAY MINIMUM WAGE IN VIOLATION OF THE FAIR LABOR**  
19 **STANDARDS ACT**  
20 **AGAINST ALL DEFENDANTS**

21 78. Plaintiff refers to and incorporates by reference Paragraphs 1 through 77.

22 79. This cause of action is brought against all Defendants jointly and individually.

23 80. Pursuant to the Fair Labor Standards Act ("FLSA"), payment of less than the  
24 minimum wage is unlawful.

25 81. Plaintiff was not paid minimum wage for many of the pay periods in which he  
26 performed work.

27 82. Under the FLSA, Plaintiff is to recover compensation for all hours worked  
28 but not paid by Defendants.

83. Plaintiff was not paid at least the Federal minimum wage for at least one pay period within the two (2) years prior to initiating this lawsuit.

84. Defendants' failure to pay minimum wage was willful and intentional.

85. As a proximate result of the aforementioned violations, Plaintiff has been damaged in an amount in excess of \$25,029, and subject to proof at time of trial.

86. Pursuant to 29 U.S.C. §216, Plaintiff is entitled to recover damages for the nonpayment of the minimum wage for all hours worked, interest, plus reasonable attorney's fees and costs of suit.

87. Pursuant to 29 U.S.C. §216, Plaintiff is entitled to recover an additional amount equal to the unlawfully unpaid wages as liquidated damages.

### **EIGHTH CAUSE OF ACTION**

#### **FAILURE TO INDEMNIFY EMPLOYEES UNDER LABOR CODE SECTION 2802**

##### **(AGAINST PFG and DOES 1-5)**

88. Plaintiff refers to and incorporates by reference Paragraphs 1 through 87.

89. This cause of action is brought against PFG and DOES 1-5, jointly and individually.

90. Plaintiff incurred reasonable and necessary business expenses during his employment with Defendants.

91. Plaintiff was not properly reimbursed for all reasonable and necessary business expenses and thus incurred a loss as a direct consequence of the discharge of his duties.

92. Defendants are required to indemnify Plaintiff against all losses and expenses incurred in the discharge of his duties or in response to his employer's orders, as provided in Cal. Lab. Code § 2802.

93. Plaintiff prays for reimbursement for all losses and expense under this Cause of Action in an amount subject to proof at time of trial, reasonable costs, interest, and attorney fees.



**NINTH CAUSE OF ACTION**

**VIOLATIONS OF CALIFORNIA BUSINESS AND PROFESSIONS**

**CODE SECTION 17200**

**(AGAINST PFG and DOES 1-5)**

94. Plaintiff refers to and incorporates by reference Paragraphs 1 through 93.

95. This cause of action is brought against PFG and DOES 1-5, jointly and individually.

96. By failing to pay overtime premiums, Defendants' acts constitute unfair and unlawful business practices under Business and Professions Code §17200, et. seq.

97. By failing to provided adequate meal breaks, Defendants' acts constitute unfair and unlawful business practices under Business and Professions Code §17200, et. seq.

98. By failing to pay at least the minimum wage, Defendants' acts constitute unfair and unlawful business practices under Business and Professions Code §17200, et. seq.

99. By failing to indemnify for all reasonable or necessary losses or expense, Defendants' acts constitute unfair and unlawful business practices under Business and Professions Code §17200, et. seq.

100. Plaintiff ZAITZEFF prays for restitution under this Cause of Action in an amount subject to proof at time of trial.

**TENTH CAUSE OF ACTION**

**FAILURE TO PROVIDE PAY RECORDS**

**(AGAINST PFG and DOES 1-5)**

101. Plaintiff refers to and incorporates by reference Paragraphs 1 through 100.

102. This cause of action is brought against PFG and DOES 1-5, jointly and individually.

103. Pursuant to Labor Code §226, employers must provide employees an



1 opportunity to inspect or copy records upon request.

2 104. Plaintiff requested his pay records in accordance with Labor Code §226 on  
3 March 26, 2008.

4 105. Defendants have failed to provide Plaintiff with an opportunity to inspect or  
5 copy her records.

6 106. Pursuant to Labor Code §226, Plaintiff prays for judgment against Defendants  
7 in the amount of \$750, costs and attorney fees.

8 107. Pursuant to Labor Code §226, Plaintiff prays for an injunction requiring  
9 Defendants to provide Plaintiff with all pay records under Labor Code §226.

10 **ELEVENTH CAUSE OF ACTION**

11 **CIVIL PENALTIES FOR OVERTIME VIOLATIONS**

12 **(AGAINST ALL DEFENDANTS)**

13 108. Plaintiff ZAITZEFF refers to and incorporates by reference Paragraphs 1  
14 through 107.

15 109. This cause of action is brought against all Defendants jointly and individually.

16 110. Plaintiff ZAITZEFF is informed and believes that all AGGRIEVED  
17 EMPLOYEES of Defendants were not properly paid overtime in violation of Cal. Lab.  
18 Code §§ 510 and 558.

19 111. At least one such violation against an AGGRIEVED EMPLOYEE occurred  
20 within the period of time one (1) year prior to Plaintiff giving notice to the LWDA.

21 112. Cal. Labor Code §558 provides that an “employer or other person acting on  
22 behalf of an employer” who causes such a violation will be subject to a \$50 penalty for  
23 each pay period for each employee.

24 113. Defendant SLAGA acted on behalf of PFG and caused this overtime  
25 violations.

26 114. Cal. Labor Code §2699(g) provides that any “employee who prevails in any  
27 action shall be entitled to an award of reasonable attorney’s fees and costs.”

28 115. Plaintiff ZAITZEFF prays for civil penalties in an amount in excess of

1 \$100,000 and subject to proof at time of trial, costs and reasonable attorney's fees.

2 **TWELFTH CAUSE OF ACTION**

3 **CIVIL PENALTIES FOR MINIMUM WAGE VIOLATIONS**

4 **(AGAINST PFG and DOES 1-5)**

5 116. Plaintiff ZAITZEFF refers to and incorporates by reference Paragraphs 1  
6 through 115.

7 117. This cause of action is brought against PFG and DOES 1-5, jointly and  
8 individually.

9 118. Plaintiff ZAITZEFF is informed and believes that all AGGRIEVED  
10 EMPLOYEES of Defendants were not properly paid the minimum wage in violation of Cal.  
11 Lab. Code §§ 1194 and 1197.

12 119. At least one such violation against an AGGRIEVED EMPLOYEE occurred  
13 within the period of time one (1) year prior to Plaintiff giving notice to the LWDA.

14 120. Cal. Labor Code §2699(g) provides that any "employee who prevails in any  
15 action shall be entitled to an award of reasonable attorney's fees and costs."

16 121. Plaintiff ZAITZEFF prays for civil penalties in an amount in excess of  
17 \$100,000 and subject to proof at time of trial, costs and reasonable attorney's fees.

18 **THIRTEENTH CAUSE OF ACTION**

19 **CIVIL PENALTIES FOR BREAK VIOLATIONS**

20 **(AGAINST ALL DEFENDANTS)**

21 122. Plaintiff ZAITZEFF refers to and incorporates by reference Paragraphs 1  
22 through 121.

23 123. This cause of action is brought against all Defendants jointly and individually.

24 124. Plaintiff ZAITZEFF is informed and believes that all AGGRIEVED  
25 EMPLOYEES of Defendants were subject to violations of Cal. Lab. Code §§ 226.7, 512  
26 and 558.

27 125. At least one such violation against an AGGRIEVED EMPLOYEE occurred  
28 within the period of time one (1) year prior to Plaintiff giving notice to the LWDA.

126. Defendant SLAGA acted on behalf of PFG and caused this meal period violations.

127. Plaintiff ZAITZEFF prays for civil penalties in an amount in excess of \$100,000 and subject to proof at time of trial, costs and reasonable attorney's fees.

**FOURTEENTH CAUSE OF ACTION**

**CIVIL PENALTIES FOR LABOR CODE 226(a) VIOLATIONS**

**(AGAINST PFG and DOES 1-5)**

128. Plaintiff ZAITZEFF refers to and incorporates by reference Paragraphs 1 through 127.

129. This cause of action is brought against PFG and DOES 1-5, jointly and individually.

130. Cal. Labor Code §226(a)(9) requires that the employer provide a pay stub that lists "all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee."

131. Cal. Labor Code §226(a)(1) requires that the gross wages earned by the employee.

132. Plaintiff ZAITZEFF is informed and believes that Defendants failed to comply with Labor Code §226(a) for all AGGRIEVED EMPLOYEES.

133. At least one such violation against an AGGRIEVED EMPLOYEE occurred within the period of time one (1) year prior to Plaintiff giving notice to the LWDA.

134. Cal. Labor Code §226.3 provides that any employer who violates §226(a) will be subject to a civil penalty of \$250 per employee per pay period.

135. Plaintiff ZAITZEFF prays for civil penalties in an amount in excess of \$100,000 and subject to proof at time of trial, costs and reasonable attorney's fees.

**FIFTEENTH CAUSE OF ACTION**

**CIVIL PENALTIES FOR FAILING TO KEEP RECORDS**

**(AGAINST PFG and DOES 1-5)**

136. Plaintiff ZAITZEFF refers to and incorporates by reference Paragraphs 1

1 through 135.

2 137. This cause of action is brought against PFG and DOES 1-5, jointly and  
3 individually.

4 138. California Code of Regulations, Title 8, §11040 requires that the employer  
5 keep track of the start and stop time of each shift and the start and stop time for each meal  
6 break.

7 139. Plaintiff ZAITZEFF is informed and believes that Defendants willfully failed  
8 to keep proper start and stop time records for all AGGRIEVED EMPLOYEES.

9 140. At least one such violation against an AGGRIEVED EMPLOYEE occurred  
10 within the period of time one (1) year prior to Plaintiff giving notice to the LWDA.

11 141. Cal. Lab. Code § 1174(d) required employers to keep accurate records as  
12 required by the Wage Order, and as such is actionable under Cal. Lab. Code § 2698, et seq.

13 142. Plaintiff ZAITZEFF prays for civil penalties in an amount in excess of \$500  
14 and subject to proof at time of trial, costs and reasonable attorney's fees.

15 **SIXTEENTH CAUSE OF ACTION**

16 **CIVIL PENALTIES FOR OUT-OF-STATE CHECKS**

17 **(AGAINST PFG and DOES 1-5)**

18 143. Plaintiff ZAITZEFF refers to and incorporates by reference Paragraphs 1  
19 through 142.

20 144. This cause of action is brought against PFG and DOES 1-5, jointly and  
21 individually.

22 145. California Labor Code § 212 requires that all pay checks be payable in cash,  
23 on demand, without discount, at some established place of business in the State of  
24 California.

25 146. Plaintiff ZAITZEFF is informed and believes that Defendants willfully failed  
26 to issues paychecks payable in cash, without discount, at some established place of business  
27 in the State of California for all AGGRIEVED EMPLOYEES.

28 147. At least one such violation against an AGGRIEVED EMPLOYEE occurred

1 within the period of time one (1) year prior to Plaintiff giving notice to the LWDA.

2 148. Plaintiff ZAITZEFF prays for civil penalties in an amount in excess of  
3 \$100,000 and subject to proof at time of trial, costs and reasonable attorney's fees.

4 WHEREFORE, Plaintiff prays for the following relief:

5 1. Damages for overtime not paid to Plaintiff ZAITZEFF in an amount in excess of  
6 \$9,387 and subject to proof at trial.

7 2. For liquidated damages in the amount of \$9,387 and subject to proof at trial.

8 3. Damages for minimum wage not paid to Plaintiff ZAITZEFF in an amount in  
9 excess of \$25,029 and subject to proof at trial.

10 4. Liquidated Damages for minimum wage not paid to Plaintiff ZAITZEFF in an  
11 amount in excess of \$25,029 and subject to proof at trial.

12 5. All unpaid loses or expenses in an amount subject to proof at trial.

13 6. Damages for meal premiums not paid to Plaintiff ZAITZEFF in an amount  
14 subject to proof at trial.

15 7. For damages and penalties under Labor Code §226 for Plaintiff ZAITZEFF in an  
16 amount subject to proof at trial.

17 8. For penalties and damages pursuant to Labor Code § 203 for Plaintiff  
18 ZAITZEFF in an amount of \$1,800, and subject to proof at trial.

19 9. For \$750 for failure to allow Plaintiff to inspect or copy records

20 10. For restitution and disgorgement for all unfair business practices against Plaintiff  
21 ZAITZEFF in an amount subject to proof at trial.

22 11. For prejudgment and post judgment interest.

23 12. Civil penalties under the Private Attorney General Act in an amount in excess of  
24 \$400,000 and subject to proof at trial.

25 13. Cost of suit.

26 ///

27 ///

28 ///


14. Attorneys' fees.

15. For such other and further relief as the court may deem proper.

DATED: April 29, 2008

LAW OFFICES OF MICHAEL TRACY

By:

  
MICHAEL TRACY, Attorney for Plaintiff  
DAVID ZAITZEFF


**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial.

DATED: April 29, 2008

LAW OFFICES OF MICHAEL TRACY

By:

  
MICHAEL TRACY, Attorney for Plaintiff  
DAVID ZAITZEFF

**EXHIBIT A**

## LAW OFFICES OF MICHAEL TRACY

2030 Main St. • Suite 1300 • Irvine, CA 92614 • Phone: 949-260-9171 • Fax: 866-365-3051

Labor and Workforce Development Agency  
801 K Street, Suite 2101  
Sacramento, CA 95814

Date: April 1, 2008

**RE: REPORTING LABOR VIOLATIONS OF PEREGRINE FINANCIAL GROUP, INC.**

Dear Labor and Workforce Development Agency:

I am an attorney who represents Zaitzeff, David. Mr. Zaitzeff is a former employee of Peregrine Financial Group, Inc. ("Employer"). Pursuant to Cal. Labor Code §2699, et seq, my client is giving notice of the alleged labor violations. If the Labor and Workforce Development Agency does not have the time or interest in investigating these matters, please inform me of your intent to not investigate at the following address:

Law Offices of Michael Tracy  
2030 Main St. Ste 1300  
Irvine, CA 92614

My client was employed by Employer from 8/02/2006 through 3/08/2008. The company's address is:

Peregrine Financial Group, Inc.  
400 Camarillo Ranch Road, Suite 101  
Camarillo, CA 93012

Below are the facts and theories of the various labor violations committed against my client as well all other aggrieved employees in California. My client believes that all of the following labor violations were committed against all employees working in a similar capacity to Mr. Zaitzeff. In addition, the following employees are also aggrieved of the violations ("AGGRIEVED EMPLOYEES"): All brokers and/or salespersons of commodities or futures contracts working within the State of California

During his time of employment, Mr. Zaitzeff frequently worked over eight hours a day, and over forty hours per week. His overtime premiums were not properly calculated, in violation of Labor Code §510. My client, from talking with other employees, understands that other AGGRIEVED EMPLOYEES were paid on a similar basis.



During his time of employment, Mr. Zaitzeff worked hours for which the applicable minimum wage was not paid. This is a violation of Cal. Labor Code §§ 1194 and 1197. My client, from talking with other employees, understands that other AGGRIEVED EMPLOYEES were paid on a similar basis.

Mr. Zaitzeff was not provided an adequate pay stub listing all hours worked and other items as required by Cal. Labor Code §226. My client believes that other AGGRIEVED EMPLOYEES were similarly treated.

Peregrine Financial Group, Inc. failed to keep time records showing when the employee started and stopped each work period. Employer also failed to keep accurate records showing the start and stop time of each meal period as required by the applicable Wage Order's record keeping requirement. This is a violation of Cal. Lab. Code § 1198 and 1174(d). My client believes that other AGGRIEVED EMPLOYEES were similarly treated.

Mr. Zaitzeff was not provided ample meal periods or break periods as required under Cal Labor Code §226.7 and §512. My client believes that other AGGRIEVED EMPLOYEES were similarly treated.

Peregrine Financial Group, Inc. issued checks for wages that were not payable in cash, on demand, without discount at a place of business in the State of California. This is a violation of Labor Code §212. My client believes that other AGGRIEVED EMPLOYEES were similarly treated.

My client is informed and believes that the above labor code violations were caused by individual agents and officers of Employer. In addition, these agents and/or officers either violated or neglected to comply with the above mentioned violations. My client will seek individual liability under Labor Code §§ 558 and 1199 against the following individuals, as well as others who are discovered in the future: Joseph Peter Slaga

Thank you for your time and any assistance in this matter.

Thank You,

A handwritten signature in black ink, appearing to read 'Michael Tracy', is written above the typed name.

Michael Tracy  
Attorney

cc: Peregrine Financial Group, Inc.,

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Mariana P. Pfaelzer and the assigned discovery Magistrate Judge is Jeffrey W. Johnson.

The case number on all documents filed with the Court should read as follows:

**CV08 - 2874 MRP (JWJx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

The United States District Judge assigned to this case will review all filed discovery motions and thereafter, on a case-by-case or motion-by-motion basis, may refer discovery related motions to the Magistrate Judge for hearing and determination

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
DAVID ZAITZEFF, et al.

**DEFENDANTS**  
PEREGRINE FINANCIAL GROUP, et al.

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
MICHAEL L. TRACY, ESQ.  
2030 MAIN STREET, SUITE 1300  
IRVINE, CA 92614  
(949) 260-9171

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:** ☐ Yes ☒ No

**MONEY DEMANDED IN COMPLAINT: \$** \_\_\_\_\_

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
29 U.S.C. SECTION 201 - UNPAID OVERTIME AND OTHER VARIOUS PENALTIES

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**VIII(b). RELATED CASES:** Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

LOS ANGELES

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

IOWA

LOS ANGELES, CA

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

**Note:** In land condemnation cases, use the location of the tract of land involved.

LOS ANGELES

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

**Date** 4/29/08

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))